

COUNTY OF LINCOLN

New Mexico Regular Meeting Board of County Commissioners

Preston Stone, Chair
Dallas Draper, Vice Chair

Thomas F. Stewart, Member
Elaine Allen, Member
Lynn Willard, Member

Minutes Tuesday, February 17, 2015

Minutes of the Regular Meeting of the Lincoln County Commission held at 8:30 AM on February 17, 2015 in the County Commission Chambers, Lincoln County Courthouse, in Carrizozo, New Mexico.

1. Call to Order

Chair Stone called the Regular Meeting of the Board of County Commissioners to order at 8:30:25 AM.

2. Roll Call

Roll Call.

Present: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

Others present included Nita Taylor, County Manager; Alan Morel, County Attorney; and Rhonda Burrows, County Clerk.

3. Invocation

The invocation was presented by Commissioner Stone.

4. Pledge of Allegiance

- a. Pledge – US Flag
- b. Salute – NM Flag

5. Approval of Agenda

Motion: Acceptance of the Agenda and authorized the Chair to move items as necessary.

Action: Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

6. Approval of Minutes

- a. January 13, 2015 - Regular Commission Meeting

Motion: Approve the minutes of the January 13, 2015 Regular Commission Meeting, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

7. Approval of Consent Agenda

- a. Payroll/Accounts Payable/Budget/ Expenditures
- b. Treasurer's Financial Report for the Month ending January 30, 2014
- c. Annual Renewal Comprehensive Community DWI Prevention Program

Motion: Approval of Consent items as presented, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

SEE EXHIBIT A: Copies of Consent Items are attached hereto in reference thereto made a part hereof.

8. Smokey Bear District Ranger Update

Ranger David Warnack reported the formal comment period for the Supplemental Draft Environmental Impact Statement regarding the North Fork Eagle Wells Special Use Authorization ended on January 28, 2015. Ranger Warnack stated there were twenty three individual respondents with over 280 distinct comments. Ranger Warnack stated the 280 comments were sorted into categories such as economic or water rights and the US Forest Service convened an interdisciplinary team to evaluate the comments. Ranger Warnack anticipated publication of the Final Environmental Impact Statement (FEIS) and a draft Record of Decision (ROD) followed by a 45 day Objection Period. Ranger Warnack anticipated publication of final EIS and draft ROD in May and then an additional 60 to 90 days for the Formal Objection Period.

Ranger Warnack stated the Lincoln National Forest was beginning a four year process to revise the Forest Plan first published in 1987. Ranger Warnack stated the Forest Plan will provide guidance for the management of all resources and activities on forest lands. Ranger Warnack further stated the District was guided by the 2012 USFS Planning Rule which emphasized the importance of working with all stakeholders including local government and advocacy groups. Ranger Warnack stated an initial meeting was set for March 25, 2015 to determine stakeholders, and to discuss the process.

Chair Stone stated the New Mexico State University Range Task Force encouraged participation by the Lincoln County Land and Natural Resources Advisory Committee (LANRAC) in revision of the Forest Plan to promote consistency with Lincoln County's land use policy.

10. Lincoln County Juvenile Justice Board – Summary and Update of Program: Ted Allen, Program Coordinator

Ted Allen, newly appointed Program Coordinator, reminded the Juvenile Justice Board operated under a NM Children Youth and Families Department grant in the amount of \$127,000. Mr. Allen explained the purpose of the Board was to work with local courts and youth in the area to divert eleven to eighteen year old juvenile offenders into six different programs. The programs include an intensive monitoring program; the Girl's Support Group and the Boy's Council for children with challenging family situations; the Restorative Justice Program to resolve juvenile actions which resulted in damage or harm; and the Citation Program for minor offenses to provide analysis of the situation and determine underlying cause for referral to other programs.

Commissioner Stewart questioned the amount of funding provided by the County for the program. Ms. Taylor stated the County annually budgeted \$8,000 in funding for the program. Mr. Allen explained the grant required a 40% match not encompassed by the \$8,000 but generally offset by in kind services. Commissioner Stewart expressed appreciation for the program as a cost savings to the County providing an alternative to juvenile incarceration.

11. 9:00 A.M.: Consideration and Action on Lodger's Tax Applications with Backup Material:

Commissioner Draper reminded of his request to include historical amounts awarded to applicants in prior years as part of supporting materials. Commissioner Draper also suggested the Lodger's Tax Committee consider a revision of the process to consider implementation of base limits and time constraints for expenditure of awarded funding. Commissioner Stewart supported a more intense management approach of the fund particularly the development of a time limit for an applicant to request reimbursement of expenses. Commissioner Stewart stated this would facilitate the release of any awarded but unused funding.

Ms. Taylor noted the minutes of the Lodger's Tax Committee reflected a discussion about the potential need for revision of the Lodger's Tax Ordinance. Ms. Taylor stated the Lodger's Tax Committee was considering options to present to the Board of Commissioners.

- a. Application A: Funding Request \$2,000
Purpose: High Mesa Artist Studio Tour
Date(s) of Event: April 25 & 26, 2015
Presenter: Stephen Sabo, High Mesa Artist Studio Tour

Motion: Approve High Mesa Artist Studio Tour Application for \$2000, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

- b. Application B: Funding Request \$13,500
Purpose: Smokey Bear Days
Date(s) of Event: May 1 & 2, 2015
Presenter: Bennie Long, Smokey Bear Hometown Association

Motion: Approve Smokey Bear Days Application for \$13,500, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

13. Southern New Mexico/El Paso Joint land Use Study (JLUS) implementation MOA

Ms. Taylor reminded of the Lincoln County's participation in the JLUS process and presented a financial request for Lincoln County to participate with other local governments in the implementation phase of this project.

Curt Temple, Planning Director informed the basic study was completed by the contractor utilizing a \$1 million dollar grant for which Dona Anna County acted as fiscal agent. Mr. Temple explained the next step involved implementation of study findings with an anticipated cost share for Lincoln County of approximately \$2500 or 5% of the \$50,000 overall match.

Commissioner Draper questioned the study's report of a recent decline in population in Lincoln County. Mr. Temple confirmed this was accurate but noted Lincoln County was not as dependent economically as some other counties on military base activity. Mr. Temple also stated the study did not capture the benefit of tourism and ancillary visits from military personnel to Lincoln County in the statistics.

Commissioner Stewart recommended the County continue to monitor outcomes and consider the benefits of participation to Lincoln County.

Motion: Approve the Memorandum of Agreement, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

14. Resolution 2014-38 Amending Resolution 2014-3 Adjusting the 2014-2015 Budget

Ms. Taylor stated there were two inadvertent errors on Resolution 2014-3 to adjust the budget as adopted. Ms. Taylor detailed the changes as: 1) a reduction of \$1000 in expenses in Fund 608 – CDBG Planning Grant and 2) correction of a double entry to reflect a transfer of \$3,074 in Fund 683 – 1/8 GRT Debt Reserve.

Motion: Adopt Resolution 2014-38, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

SEE EXHIBIT B: Copy of Resolution 2014-38 is attached hereto in reference thereto made a part hereof.

15. 2015 Annual Certified County Maintained Mileage by Resolution 2014-36

Ms. Taylor stated NMSA 66-6-23 required the Board of County Commissioners certify the total mileage of roads maintained by the County prior to April 1 of each year. Ms. Taylor stated the Rural Addressing Department certified the total mileage maintained as 804.3914 miles including 703.0970 of regular county roads and 101.2944 of county roads in the US Forest.

Motion: Certify the mileage as 804.3914; Adopt Resolution 2014-36; and direct the Road Department and Rural Addressing Department to file documentation as required by State Statute,
Action: Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.
Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

SEE EXHIBIT C: Copy of Resolution 2014-36 is attached hereto in reference thereto made a part hereof.

16. Resolution 2014-34 Authorizing VOR to Participate in the Local DWI Grant & Distribution Program

Ms. Taylor presented the Resolution authorizing the Village of Ruidoso to participate in the Local DWI Grant and Distribution Program on behalf of Lincoln County through a grant from the Department of Finance and Administration's Local Government Division.

Motion: Adopt Resolution 2014-34, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Commissioner Draper questioned the County's level of participation in the DWI program. Robert Shepperd, Sheriff stated deputies assisted with program saturation patrols on a volunteer basis. Sheriff Shepperd stated he does assign deputies to assist with the program at particular times during increased DWI activity. Sheriff Shepperd commented on the various specialty trainings required for deputies to participate in program activities and noted all current Sheriff Deputies were fully qualified.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).
Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

SEE EXHIBIT D: Copy of Resolution 2014-34 is attached hereto in reference thereto made a part hereof.

12. 9:30 A.M.: PUBLIC COMMENT AND OTHER BUSINESS FROM COUNTY OFFICIALS

Commissioner Draper expressed appreciation for those who attended "Lincoln County Day" at the New Mexico State Legislature in Santa Fe.

Commissioner Allen reported the County supported clinic, La Casa Medical Clinic in Hondo, successfully contracted for onsite medical services with a physician for a period of three years.

Former Commissioner Jackie Powell discussed the discontinuation by the Greentree Solid Waste Authority of previously established services for disposal of larger waste items in Hondo. Ms. Powell requested the County work to reinstate these solid waste services in the Hondo Valley.

Rhonda Burrows, Clerk provided a report on the recent New Mexico Association of Counties (NMAC) Board of Directors meeting and an update on bills endorsed and tracked by the NMAC for the 2015 Legislative Session.

Beverly Calaway, Treasurer provided a copy of a notice of the distribution of assets from the Reserve Primary Fund in December 2014 received from Tim Eichenberg, State Treasurer. Ms. Calaway stated as a result of this distribution and as an eligible Class Member of the NM Local Government Investment Pool Lincoln County received \$1,311.79. Ms. Taylor stated as a result of the distribution Lincoln County now had an uncollected balance of approximately \$891.50 from two pools involved in the Reserve's Class Action Litigation. Ms. Calaway stated the Treasurer's office would continue to pursue distribution of those final funds.

Alan Morel, County Attorney commented on a bill introduced for significant revisions to the Open Meetings Act. Attorney Morel stated the proposed revisions would expand the requirements for public comment during meetings and also included language requiring a "diversity of opinions". Attorney Morel expressed concern about the revisions as being ambiguous and open to litigation. Attorney Morel also commented on a bill with proposed language changes to the Mining Act to encompass sand and gravel operations as "mining operations". Attorney Morel stated additionally the bill contained language to exempt operations of five acres or less from the

provisions of the Mining Act and could result in the exclusion the El Capitan Mine operation from statutory requirements.

Becky Brooks of the Ruidoso Valley Chamber of Commerce commented on the attendance of the local community and legislative representatives at the Lincoln County Days held in Santa Fe. Ms. Brooks reminded several years ago the event was renamed by the Chamber of Commerce as Lincoln County Day rather than Ruidoso Day in Santa Fe. Ms. Brooks noted attendance at the event included the Lieutenant Governor, several NM State Department Cabinet Secretaries, Legislative members, and various state departmental staff members. Ms. Taylor expressed appreciation for Ms. Brooks' hard work and efforts on behalf of this event.

Commissioner Stewart commented the current Business Retention Gross Receipts Tax was implemented in January 1, 2011 and would expire January 1, 2016. Commissioner Stewart reminded of the need to consider the potential decline in revenue to the County in future budget planning.

17. Approval or Disapproval of Indigent Health Care Claims

Scott Annala, Indigent Health Care Administrator presented the Sole Community Provider/Safety Net Care Provider Pool claims for approval. Mr. Annala processed 15 claims with 13 recommended for approval and 2 recommended for disapproval for a monthly authorization of \$5,013. Mr. Annala stated the total approval for SCP/SNCP claims for Fiscal Year 2014-2015 to date was \$179,227 with a monthly average of \$22,403.

Mr. Annala presented the Indigent Health Care Payments request for the month and stated he processed 8 claims with 7 claims recommended for approval and 1 for disapproval for a total payment this month of \$1,646. Mr. Annala stated this was a record low and pending approval, the total expenditure for IHC claims for Fiscal Year 2014-2015 to date was \$38,062 for an average monthly indigent claims payment of \$4,758. Mr. Annala anticipated expenditure of approximately \$57,096 of a budgeted \$363,000 this fiscal year.

Motion: Approval and denial of the claims as indicated for SCP/SNCP and Indigent Health Care as recommended, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Mr. Stewart discussed the uncertainty regarding these funds and suggested the Ordinance be reviewed in Public Hearing to identify appropriate ways to disburse this funding. Mr. Annala suggested the County consider utilizing the fund for Safety Net Care pool obligations and County Supported Medicaid payments.

Attorney Morel reminded SB 268 required counties to designate the funding source for Safety Net Care Pool obligations. Attorney Morel suggested the Safety Net Care Pool Ordinance be modified to provide for flexibility.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

SEE EXHIBIT E: Copies of the Sole Community Provider and Indigent Health Care Payments are attached hereto in reference thereto made a part hereof.

18. Manager's Report

1. **Hat's Off:** Marilyn Chewing, Appraiser earned a Certified Public Assessment Officer designation from the New Mexico County College, a collaborative educational program between the NM Association of Counties and NMSU Extension Service.

Hat's Off: to elected officials and county employees for successful completion of Year 1 of NMAC's Risk Awareness Program (RAP) and for reducing Workers' Compensation Claims by 39%. Lincoln County received a plaque, as well an Honorable Mention Safety Award (3rd place) for "Achieving a positive claim trend and the lowest frequency of Workers' Compensation Claims for 2014" from NMAC.

2. **New Mexico Association of Counties (NMAC) Legislative Conference:** The conference held January 20 through 22, 2015 was attended by a number of Lincoln County elected officials and employees. In addition to Affiliate meetings opportunities were taken to meet with legislators and attend NMAC Board and other Committee

meetings. The Manager informed she was elected to a second two-year term to serve on the Multi-Line Pool Board of Directors for Population Category 1 representing the Counties of Lincoln, Roosevelt, Socorro, Torrance, Colfax, Sierra, Quay, Hidalgo, Mora, Guadalupe, Union, Catron, De Baca and Harding.

3. **Lincoln County Day at the Legislature:** The Manager stated this special day was supported by Senate Memorial 41 introduced by Senator William F. Burt and Senator Phil A. Griego which "*Declared February 4, 2015 as Lincoln County Day at the Senate.*" The Manager reported the event was well attended by several elected officials and staff along with municipal leaders and other residents of the County. The Manager noted this was a unique opportunity to meet with the local legislative delegation and work to promote capital expenditure requests. The Manager stated Senator Burt also sponsored a Senate Resolution declaring "*Lincoln County be recognized as having one of the most colorful and intriguing histories in America, epitomizing the legend of the Wild West and as being a beautiful and exciting place to live and visit.*"
4. **Legislative Update:** The Manager discussed the use of the New Mexico Legislative Report database by various elected officials and County departments to track and review bills and as they move through the legislature. The Manager reminded Tasia Young, NMAC Lobbyist, also provided routine updates to the counties.
5. **Bonito Volunteer Fire Department:** The Manager, Office of Emergency Services Director Joe Kenmore, and Coordinator Spencer Baldwin attended the Bonito Fire Department's annual Awards Banquet on February 10, 2015. The Manager stated Mr. Kenmore and Mr. Baldwin received special mention and an award for the valuable support they lend to all the volunteer fire departments.
6. **El Capitan Mines:** The Manager, Commissioner Stone, Commissioner Draper, Attorney Alan Morel, and Lincoln County resident Lee Arnone met with Fernando Martinez, Division Director of Mining and Minerals and his staff on January 21, 2015. Mr. Martinez and his staff were very aware of the El Capitan Mine operations, status and intentions. The Manager reported as of date the El Capitan Mine had requested modifications to its existing minimal impact permit with Department approval pending receipt of a \$75,000 fee for financial assurance.

Attorney Morel stated in response to written inquiry he received correspondence stating the Department was awaiting financial assurance to complete an amendment to the existing permit. Attorney Morel expressed belief, should an amended permit be approved, it would then become subject to the provisions of the Lincoln County Mining Ordinance.

7. Departmental Updates:

- a. Curt Temple, Planning Director discussed the NM Department of Transportation's recent actions replacing existing County street signs on County right of ways. Mr. Temple stated his department conducted an inventory to identify which County signs were removed. Mr. Temple stated Department of Transportation (DOT) agreed to return and replace those signs when appropriate. Mr. Temple stated while working on mapping his department identified roads in the northeast part of Lincoln County which were maintained by the County but not previously included in the Road Inventory as reported to the State of New Mexico.
- b. Carl Palmer, Road Superintendent commented on the decline in annual mileage as reported by Resolution to the State. Mr. Palmer clarified the decline was as a result of determining Los Altos Trail in the Loma Grande area was a forest service road not included in the cooperative maintenance agreement with the US Forest Service and was therefore removed from list of county maintained roads.
- c. Joe Kenmore, Director of the Office of Emergency Services introduced Arron Griewahn, newly employed by OES as a Firefighter. Mr. Kenmore invited Commissioners and the public to view the department's new Pump Test trailer. Mr. Kenmore reminded the cost for the trailer was accommodated by a grant and a match of approximately \$2300 per department. Mr. Kenmore anticipated the departments would regain the expense in one or two years by completing the pump testing of all engines. Mr. Kenmore stated the Bonito and Lincoln Fire Departments recently received grant funding through the Department of Finance and Administration. Mr. Kenmore anticipated other fire departments might also receive additional grant funding. Mr. Kenmore commented on the ongoing need for the NMAC Risk Awareness Program (RAP) and safety education.

9. New Mexico Workforce Connection, Eastern Area: John Hemphill Director for Work Force Development and Adult Education.

John Hemphill, Executive Director for Workforce Development and Education discussed the Workforce Investment Act of 1998 which mandated the federally funded employment and training program. Mr. Hemphill explained the adoption of this federal act led to the New Mexico Workforce Investment Act – Local Governance which defined the roles of the Chief Elected Officials and the Local Workforce Development Boards. Mr. Hemphill also provided an overview of the Local Board's organizational structure and articulated the purpose of and need for County representation.

Mr. Hemphill discussed the various services offered through the New Mexico Workforce Solutions One Stop program including occupational skills training; financial assistance to employers who offer on the job training; career counseling; and education assistance such as preparation for the High School Equivalency Exam.

Ms. Taylor clarified the request was to appoint a Commissioner to serve as the Chief Elected Official. Mr. Hemphill confirmed this was correct and also requested the Board of Commissioners provide a recommendation for a private sector representative.

19. Water issues/Forest/Wildlife Health Programs/Land and Natural Resources Advisory Committee (LANRAC)

Water Rights Notices: Ms. Taylor reported no new publications were posted to the State Engineer's website for Lincoln County. Ms. Taylor stated Kelly Cassels, the attorney representing Lincoln County for pending litigation involving three separate transfer requests from the Village of Ruidoso and Sea Gem for permits to change points of diversion, reported the parties agreed to consolidate these applications to reduce litigation costs by approximately 50%.

Hazard Mitigation Grant Program: Ms. Taylor stated educational meetings funded through a Federal Emergency Management (FEMA) grant for Education and Outreach and a sub-grant agreement with the NM Department of Homeland Security were scheduled monthly through April 2015. Ms. Taylor stated County personnel continued to work on the Phase II FEMA Application to fund thinning projects.

Intent to Revise National Forest Land and Resource Management Plan: Ms. Taylor informed the Cibola National Forest published a Notice of Intent to revise the 1985 Cibola National Forest Land and Resource Management Plan and to prepare the associated Environmental Impact Statement (EIS). Written comments for the Cibola Plan were requested by April 3, 2015. Ms. Taylor stated the Lincoln National Forest planned an initial meeting on March 25, 2015 to discuss the process for revision of the 1987 Lincoln National Forest Land and Resource Management Plan.

There was discussion regarding the Cibola Range District's prior decision to remove grazing permittees from that forest. Attorney Morel reported additional documentation was provided by the District in support of the removal. Chair Stone stated a review of the documentation confirmed regulations and protocol referenced were outdated and the Cibola Ranger District lacked relevant data to support the action.

There was general consensus to direct the Manager to request the Land and Natural Resources Advisory Council (LANRAC) assist with the Forest Plan review process and advise the Board of Commissioners.

Former Commissioner Jackie Powell discussed Senate Bill 493/ House Bill 493 introduced during this legislative session by Senator Peter Wirth and Representative Andy Nunez. Ms. Powell explained the purpose of the bill was to clarify the responsibility of the State Engineer to hold a hearing to consider protests prior to granting approval of a water right transfer for "immediate use" under the Leasing Act. Ms. Powell requested support for this bill from the Board of County Commissioners. Commissioner Willard questioned if the Acequia Association was in support of the bill. Ms. Powell confirmed the Acequia Association was in support and working to assist with passage.

Ms. Powell also informed on a recent meeting of the Interstate Stream Commission for the purpose of updating Regional Water Plans. Ms. Powell opined from the discussions there was intent to devalue the importance of agriculture and to emphasize tourism and municipal interests. Ms. Powell discussed the need for accurate data and information to be included in these regional water plans. Ms. Powell reminded she currently served as the Lincoln County representative for

this Commission and offered to continue in that capacity at the discretion of the current Board of County Commissioners.

There was general consensus to write a letter of support for SB 493 / HB 493 to the Chairs of the Senate Conservation and Senate Judiciary Committees, the New Mexico Association of Counties and local legislators.

There was general consensus to reaffirm the appointment of Jackie Powell as the Lincoln County Representative for the Lower Pecos Regional Water Association.

Rick Merrick, Rural Forester with the South Central Mountain RC and D reported no new prescribed burns were scheduled but discussed future projects to thin 800 to 1000 acres of US Forest Land. Mr. Merrick reported the Moon Mountain thinning project of 60 acres bid below budgeted amount and anticipated remaining funding would complete a landscaping project near the Ruidoso High School. Mr. Merrick discussed other combined education and outreach efforts to provide information about Fire Wise Communities, defensible space and conduct risk assessments.

20. 2015/2016 Local Government Road Fund Projects/CAP/ COOP/School Bus Programs by Resolution 2014-37

Ms. Taylor presented the Resolution for approval of three separate projects to double chip seal Cora Dutton road as the FY 2015–2016 State Highway Cooperative funding projects for Lincoln County.

Carl Palmer, Road Superintendent presented the estimated costs for the three separate projects to chip seal the complete estimated 3.5 mile road. Mr. Palmer stated Cora Dutton Road was chosen due to the high number of complaints received about the road conditions and also because it was a school bus routed utilized by two or three separate school buses twice daily.

There was general discussion about the lack of available funding from the US Forest Service or the Bureau of Land Management for this project. Commissioner Stewart suggested a formal notice to those agencies of the County's intent to proceed with the project.

Motion: Adopt Resolution 2014-37 and approve funding for the three projects, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

SEE EXHIBIT F: Copy of Resolution 2014-37 is attached hereto in reference thereto made a part hereof.

21. Approval of Disposition of Surplus Inventory via Donation to the 12th Judicial District Court, Carrizozo

Ms. Taylor presented Resolution 2014-39 for approval of the donation of an obsolete microfilm reader and supporting computer server from the County Clerk's office to the District Court.

Motion: Adopt Resolution 2014-39, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

Ms. Howard requested three Elected Officials review the items prior to transfer. Clerk Burrows, Sheriff Shepperd, and Commissioner Draper volunteered to conduct the review.

SEE EXHIBIT G: Copy of Resolution 2014-39 is attached hereto in reference thereto made a part hereof.

22. Resolution 2014-35 to Implement a Veterans Initiative Policy for the purpose of increasing opportunities for Veterans to obtain County Employment

Ms. Taylor explained Jim Cassidy, Disabled Veterans Outreach Program Specialist with the New Mexico Workforce Connection requested the County implement a Veteran's Hiring Initiative Policy to provide increased opportunities for veterans seeking County employment. Ms. Taylor

explained the Resolution created policy to provide veterans the opportunity to interview for County positions when the veteran met or exceeded the minimum qualifications of the position.

Motion: Adopt Resolution 2014-35, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

SEE EXHIBIT H: Copy of Resolution 2014-35 is attached hereto in reference thereto made a part hereof.

23. Authorization to Schedule Public Hearing to Consider Other Outdated or New Lincoln County Ordinance

a) Lincoln County Indigent Hospital/Healthcare 2014-06

Attorney Morel expressed belief the Ordinance did not currently require revision. Commissioner Stewart withdrew the request pending the outcome of current legislative action.

b) Safety Net Care Pool Fund Ordinance 2014-03

Motion: Schedule a public hearing to consider Ordinance 2014-03 for the next Regular Meeting,

Action: Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

There was a general consensus consider a public hearing to revise the Lodger's Tax Ordinance pending receipt of recommendations from the Lodger's tax committee.

24. Consideration of Appointments and Removals from Boards /Commissioners/ Committees:

a) Board of Registration

Motion: Appoint Diane Harlan, Charles J. Nesbitt III, and Daryl Snyder as Members and Marvel Reed and Nina Grunseth as Alternate Members to the Board of Registration, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Willard.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

b) Land and Natural Resources Advisory Committee

Motion: Reappoint Pete Gnatowski and appoint Robert Barber to the Land and Natural Resources Advisory Committee, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Chair Stone.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

c) Lodger's Tax Committee

Motion: Reappoint James Hobbs to the Lodger's Tax Committee, **Action:** Approve, **Moved by** Chair Stone, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

d) Planning Commission

No action was taken.

e) Senior Citizens Olympic Committee

Motion: Appoint Paul Kunkle to the Senior Citizens Olympic Committee, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

f) Eastern Area Workforce Development Board - Tabled

Motion: Remove the item from the table, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

Motion: Appoint Commissioner Willard, **Action:** Approve, **Moved by** Commissioner Willard, **Seconded by** Chair Stone.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

Chair Stone recessed the Regular Meeting at 11:51:17 AM and reconvened at 1:00:56 PM.

25. Executive Session Pursuant to the Open Meetings Act: Discussion of all Threatened and/or Pending Litigation Section 10-15-1, Sub-Paragraph H.(7); and Discussion of the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8).

Motion: To close the meeting for the purposes of an Executive Session to discuss Threatened and/or Pending Litigation pursuant to the Open Meetings Act, Section 10-15-1, Sub Paragraph H.(7) and the purchase, acquisition or disposal of real property or water rights by the public body, Section 10-15-1, Sub-Paragraph H.(8) and as follows:

New or Updated Matters since last report = *

1. *Cooper, Gale and DeBaca County News v. County of Lincoln, Sheriff of Lincoln County, et al.* D-1329-CV-200701364. Suit filed: October 15, 2007. Verified Complaint for Declaratory Judgment Ordering Production of Certain Records and Information. Hearing took place Dec. 18, 2013, and Conclusion of Law/Order was filed May 15, 2014 entered in favor of Ms. Cooper. Ms. Cooper filed an appeal June 10, 2014, and Judge John F. Davis was assigned Aug. 3, 2014.

2. *Coble Constructors, LLC, et al v Carl Kelley Construction Ltd. Co, et al.* D-1226-CV-2012-00003. Suit filed January 15, 2012. Complaint to Foreclose Mechanics Lien. Motion for Summary Judgment filed Jan. 29, 2014. Motion for Grant of Summary Judgment filed July 18, 2014. Judgment, Decree of Foreclosure, Order of Sale filed Dec. 16, 2014. Master Sale was scheduled Feb. 2, 2015.

3. *J. Robert Beauvais and Greentree Solid Waste Authority v. Judge Jerry Ritter and the County of Lincoln in the State of New Mexico Supreme Court No. 35,053:* Verified Emergency Petition for Writ of Prohibition; Alternatively, Superintending Control; Request for Stay received Dec. 24, 2014 and Order Denying Writ of Prohibition filed by the Supreme Court Dec. 24, 2014. GSWA filed its Motion for Clarification Jan. 6, 2015.

*4. *Greentree Solid Waste Authority v. Lincoln County* D-1226-CV-2014-00095. Suit filed May 1, 2014. Verified Petition for Declaratory and Supplemental Relief: Injunction, Motion to Waive Time to Reassign District Judge (Judge Karen Parsons was disqualified). County was served May 14, 2014. Mr. Paul Melendres has been retained by the County and filed Answer, Motion to Disqualify Mr. Beauvais and Change of Venue. Motion to Join the New Mexico Finance Authority as an Indispensable Party filed July 22, 2014. GSWA filed its Motion for Summary Judgment on Sept. 26, 2014. County filed its Response to GSWA's Motion for Summary Judgment on Oct. 13, 2014. Scheduling Conference and Hearing on All Pending Motions was Nov. 20 both with Judge Ritter, who found Mr. Beauvais had a conflict of interest and was disqualified from representing GSWA. Stipulated Partial Dismissal was entered and GSWA's Motion to Reconsider was filed Dec. 5, 2014. GSWA has retained Robert Doughty as new counsel, who filed a Limited Entry of Appearance Dec. 13, 2014. Preliminary Injunction Hearing was scheduled Dec. 17, 2014 with Judge Ritter. Lincoln County's Response to Plaintiff's Motion to Reconsider was filed Dec. 19, 2014. GSWA filed its Reply of the Motion to Reconsider Jan. 5, 2015. Hearing regarding GSWA's Motion First Amended Verified Emergency Motion Seeking Further Relief on GSWA's Request for Preliminary Injunction Concerning the Rate at which the County Will Bill and Lincoln County's Motion for Sanctions is scheduled for May 12, 2015 at 9 a.m.

*5. *Greentree Solid Waste Authority v. Lincoln County, et. al.* D-0101-CV-2013-00104. Suit filed January 9, 2013. Petition for Declaratory Judgment; Preliminary and Permanent Injunction. Mr. Beauvais filed an appeal Feb. 27, 2014. Ruling on Reconsidering Stay denied by Judge Singleton June 11, 2014. GSWA's Brief in Chief filed Sept. 9, 2014. Record Proper was filed Sept.

25, 2014. Alto Lakes Water and Sanitation District's and Lincoln County's Joint Response Brief was filed with the Court of Appeals Oct. 24, 2014. GSWA filed its Reply Brief Dec. 1, 2014. The case has been submitted to a panel of judges for decision and the County received Notice of Submission from the Court of Appeals Jan. 2, 2015.

*6. *Barbara Diane Latham, et al v. Neal Cox, Ben Hazen, Lincoln County Sheriff's Department and the County of Lincoln. D-1226-CV-2013-00191 to Federal No: 2:13-CV-00822-RB-SMV.* Suit filed July 19, 2013. Complaint for Violation of Civil Rights, Wrongful Death and Damages by Attorney Gary Mitchell. Tort Claim Notice was filed on October 27, 2011. LCSO and LC Manager were served on August 5, 2013. Advised NMAC assigned the case to Brennan and Sullivan Law Firm Sept. 5, 2013. Case was moved to Federal Court August 30, 2013. Ms. Latham filed a new action in federal court against Village of Capitan and Police Officer Kevin Kennedy filed July 25, 2014. The court Sua Sponte consolidated both cases via Order from Judge Brack filed Sept. 29, 2014. Memorandum and Order filed Feb. 2, 2015 granting Defendant's Motion for Summary Judgment on the Basis of Qualified Immunity and Other Grounds and Motion to Dismiss Plaintiff's First Amended Complaint and/or Motion for Summary Judgment and for Qualified Immunity by Judge Brack. Judgment filed Feb. 2, 2015 in favor of Defendants Kevin Kennedy, Neal Cox, Ben Hazen, LCSO, County and the Village of Capitan. Memorandum and Order filed Feb. 2, 2015 granting Defendant's Motion for Summary Judgment on the Basis of Qualified Immunity and Other Grounds and Motion to Dismiss Plaintiff's First Amended Complaint and/or Motion for Summary Judgment and for Qualified Immunity by Judge Brack. Judgment filed Feb. 2, 2015 in favor of Defendants Kevin Kennedy, Neal Cox, Ben Hazen, LCSO, County and the Village of Capitan.

7. *Bank of America, N.A. v. Howard D. Schafer, et. al. (County of Lincoln through LCSWA) D-1226-CV2014-00162* County was served Sept. 2, 2014. Complaint for Foreclosure filed Aug. 19, 2014 Lincoln County filed an Alarm Ordinance Lien and a LCSWA Lien. Mr. Morel entered his appearance on behalf of the County Sept. 23, 2014. Disclaimer of Interest has been filed by Lincoln County.

8. *Water Rights Protests: New Mexico State Engineer Hearing Numbers: 14-039 and 14-041.* Protests of Applications 01300-1, 01300-2, 01300-3, 0826-2 into 0275 et. al. and H-272 et al (T) and H-50-1 into H-272 et. al. (T) filed July 15, 2013 pertaining to movement / transfer of water rights from the Hondo Valley to the Village of Ruidoso and the City of Ruidoso Downs. Docketing Order filed Sept. 18, 2014. Kelly Cassels/Sanders, Bruin, Coll & Worley, P.A. has been retained by the County, entered his appearance Sept. 22, 2014 and has responded in behalf of the County.

9. *Wesmax, Ltd. V. Paul Baca, Lincoln County Assessor D-1226-CV-201400188* Appeal of the Final Order from Lincoln County Valuation Protest Board. Appeal filed Oct. 8, 2014. Case assigned to Basham & Basham/Dwyer. Record of Appeal and Transcript of Proceedings was filed Oct. 23, 2014.

Tort Claims Notices Received or Threatened

2015

Cherry, Doris – Tort Claim Notice posted in Lincoln County News Jan. 1, 2015 stating possible Civil Rights Violation lawsuits regarding alleged Americans with Disabilities Act non-compliance in remodeling the Lincoln County Courthouse buildings.

***McDaniel, Carl** – Tort Claim Notice received Jan. 23, 2015 alleging violation of the Unfair Trade Practices Act and engaging in unfair or deceptive trade practices and/or unconscionable trade practices by GSWA.

2014

Ramos, Aaron – Tort Claim Notice received from Mr. Ramos March 18, 2014 alleging his rights were violated during incarceration at Lincoln County Detention Center. Mr. Ramos alleges damages by not being granted detainee to detainee correspondence.

Millerden, Kenneth and Anita – Tort Claim Notice received May 9, 2014 alleging negligence from staff at Lincoln County Medical Center during prepartum care for their infant son.

Ogden, John D – Tort Claim Notice received May 26, 2014 alleging mistreatment while incarcerated at LCDC on March 11, 2014.

Rounds, Christopher – Tort Claim Notice received June 4, 2014 alleging being held in LCDC without being advised of his charges.

Herbert, Crystal – Tort Claim Notice received June 23, 2014 alleging false imprisonment, due process violations, unlawful detention of a minor, emotional distress.

Class Action – Tort Claim Notice received June 23, 2014 alleging false imprisonment, false arrest, deprivation of rights at LCDC that arise with Immigration and Customs Enforcement charges.

Atwell, Stacey – Tort Claim Notice received June 25, 2014 alleging unlawful seizure of her two minor children during a request for a deputy to assist in keeping the peace.

McGarry, Sean – Tort Claim Notice received July 25, 2014 alleging wrongful arrest, false imprisonment, malicious prosecution, intentional or negligent infliction of emotional distress, abuse of process, wrongful termination and retaliatory discharge regarding discharge from the Capitan Police Department.

Ramos, Aaron – Tort Claim Notice received August 7, 2014 alleging lack of Due Process for inmates at LCDC.

Lambert, David and Bonnie - Tort Claim Notice received Sept. 8, 2014 by attorney W. Chris Nedbalek alleging damage to Lambert property due to Mr. Rodney Bunsen using his own equipment to alter a platted County right of way without the authorization or knowledge of the County.

Rider, Edward Allen and Moorhead, Brennon – Tort Claim Notice received Oct. 20, 2014 by attorney W. Chris Nedbalek alleging Lincoln County Narcotics Enforcement Unit officers destroyed items in a home.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Oct. 24, 2014 by attorney W. Chris Nedbalek alleging overcrowding of Lincoln County Detention Center as a violation of 8th Amendment Rights.

Ryen, Allen- Tort Claim Notice received Oct. 27, 2014 by attorney W. Chris Nedbalek alleging Mr. Ryen was exposed to unsanitary conditions at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Oct. 27, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

McMurray, Cody – Tort Claim Notice received Nov. 6, 2014 by attorney W. Chris Nedbalek alleging lack of adequate medical care at Lincoln County Detention Center.

Caughron, Brittany and Anderson, Amie – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging inadequate medical care and overcrowding at Lincoln County Detention Center.

Inmate Group – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging overcrowding and unsanitary conditions at Lincoln County Detention Center.

Long, Cameron – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging mistreatment by an Officer with Adult Probation and Parole.

McClarnon, Brian – Tort Claim Notice received Nov. 14, 2014 by attorney W. Chris Nedbalek alleging violations of U.S. Constitutional Amendment rights.

Diana Martwick, 12th Judicial District Attorney – Tort Claim Notice received Nov. 25, 2014 alleging lack of adequate office space provided by the County of Lincoln.

***Inmate Group** – Tort Claim Notice received Dec. Dec. 22, 2014 by attorney W. Chris Nedbalek alleging inmates were mistreated at Lincoln County Detention Center.

2013

Allen, Katherine Elizabeth- Notice of Tort Claim received Sept. 12, 2013 from Katherine Allen against Lincoln County Detention Center for alleged injuries sustained during transport.

Borrego, Albert - Tort Claim Notice received from attorney Gary Mitchell on June 14, 2013, alleging continued harassment to Albert G. Borrego by police while responding to a noise complaint at Mr. Borrego's residence on February 28, 2013, and a separate incident resulting in Mr. Borrego's arrest on March 5, 2013, due to an outstanding warrant, during which Mr. Borrego allegedly sustained injuries while in custody due to an existing broken back injury. Claim has been denied by NMAC.

Espinoza, Robert - Tort Claim Notice received from Robert Espinoza on June 4, 2013, alleging property damage from vehicle accident while Linda Mullins, driving the LC Senior Center meal delivery van ran off road hitting chain link fence, poles and railroad ties.

Harrisburg Documents- Attempts to recover Lincoln County documents illegally taken from the county. County Clerk Rhonda Burrows has been in contact with Harrisburg, PA in recovery efforts.

Montoya, Emilia L. - Tort Claim Notice received by attorney Freda Howard McSwane on April 23, 2013, alleging injuries sustained by Ms. Montoya when a physical altercation took place at the LCDC.

Ramos, Aaron - Tort Claim Notice received by attorney Robert J. Beauvais on April 18, 2013, (correspondence dated September 13, 2011) alleging concerns about Mr. Ramos's safety and welfare and violation of his U.S. Constitutional rights.

Silva, Elmo - Tort Claim Notice received from attorney Richard Marquez November 6, 2013. Alleges false imprisonment for Mr. Silva, who was sentenced in the 12th Judicial District Court to 38 years filed on July 3, 1990.

Action: Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Stewart.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

Chair Stone recessed the Regular Meeting and convened the Closed Session at 1:01:40 PM.

Chair Stone adjourned the Closed Session and reconvened the Regular Meeting at 2:26:16 PM.

Commissioner Draper attested that matters discussed in the closed meeting were limited to those specified in the motion for closure or in the notice of separate closed meeting

26. GSWA System Analysis Presentation – Operational Consultant Joe Lewandowski

Ms. Taylor stated as a result of a joint meeting to discuss the billing transition from GSWA to the County, GSWA committed to conduct an analysis related to the costs of providing solid waste services to County residents.

Joe Lewandowski, Operational Consultant for GSWA presented an initial operational analysis of services provided to each of the Authority's members. Mr. Lewandowski expressed belief this analysis supported GSWA's assertion the County was not financially subsidizing services provided to other members.

Mr. Lewandowski discussed the revenue breakdown and stated Lincoln County provided 41% of revenues for the GSWA. Mr. Lewandowski stated services in the County were supported by various equipment amounting to 74% of GSWA's total inventory. Mr. Lewandowski stated while County services provided the highest revenues of any member, County services were also the most expensive to maintain.

Mr. Lewandowski stated GSWA's recycling program was self-sustaining. Mr. Lewandowski discussed the "True Net Savings" associated with recycling by GSWA including estimated annual savings of \$31,990 in landfill fees and \$30,000 in transportation by diverting materials from the landfill.

Mr. Lewandowski commented on the lack of language in current agreements regarding the responsibility for management of illegal dumping and reminded GSWA provided this service to Lincoln County.

27. Consideration of Options relating to Payment by Lincoln County to GSWA for services rendered to Lincoln County Citizens

Ms. Taylor presented the three options provided by GSWA for payment for solid waste services to County residents as follows:

- 1) Per Account – payment to equal number of active accounts times monthly rate
- 2) Per Customer Paid – all payments received by the County directed to GSWA in full
- 3) Lump Sum – an agreed monthly payment amount

Ms. Taylor stated the County previously agreed to and did forward payments received for solid waste services by the County through January 31, 2015 directly to GSWA.

Motion: Reimburse GSWA for solid waste services by the "Per Customer Paid" method, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

Mr. Lewandowski stated January payments to GSWA were 40% below past January billings and discussed the current "customer confusion". Mr. Lewandowski discussed the effects of the billing transition on GSWA revenues and advocated for a monthly lump sum payment. Mr. Lewandowski expressed concern the current decision to reimburse on a "per customer paid" basis would lead to a revenue deficit, a potential default on the current DFA loan, and a decrease in services.

Ms. Taylor commented on the lack of actual and specific cost data from GSWA and suggested the Board of Commissioners could reconsider the method of payment once the requested data was provided by GSWA.

Mr. Lewandowski requested both Boards convene for a rate hearing in early March. Mr. Lewandowski also requested additional meetings with County staff to discuss each method of payment, agree upon a rate, complete the billing transition, and discuss other issues.

Commissioner Willard questioned if GSWA would provide the specific information requested by the County as an Inspection of Public Records request. Mr. Lewandowski stated some of the items requested were not available in the format requested. Mr. Lewandowski again expressed belief his presentation answered the question as to whether the County was subsidizing other entities.

Chair Stone informed the Board of County Commissioners was considering three options including withdrawal from GSWA, remaining as a GSWA member contingent upon a rewrite of the Joint Powers Agreement, or assuming management of GSWA.

Mr. Lewandowski objected to the process as detrimental to the survival of GSWA and the continuation of services.

Ms. Taylor reminded the lack of actual cost data continued to hinder determination of an appropriate County rate.

Ray Dean, Trustee for the Town of Carrizozo and Chair of GSWA reminded he had served on the GSWA board for more than ten years. Mr. Dean stated all cost data related to GSWA operations was available and expressed frustration with the current situation. Mr. Dean expressed belief the County had appropriate membership on the GSWA Board. Mr. Dean stated GSWA rates were consistent with other solid waste providers in the State. Mr. Dean suggested as the County was dissatisfied the best course of action was for the County to withdraw from GSWA.

Chair Stone expressed disappointment with the perception this was a personal issue and objected to the characterization of the County's position.

Ms. Taylor questioned Mr. Lewandowski if GSWA would provide the cost data as requested by the County. Mr. Lewandowski predicated agreement to provide the information based on an assurance from the County the staff from both entities would begin working together on issues immediately and the data would not be used to simply facilitate the County's withdrawal from the Authority. Ms. Taylor reiterated only GSWA could provide the cost data necessary to determine rates. Mr. Lewandowski stated he would present the request and question to the GSWA Board.

28. Consideration of GSWA Petition requesting formation of the Lincoln County Special District Commission

Motion: Table the item due to ongoing litigation, **Action:** Approve, **Moved by** Commissioner Draper, **Seconded by** Commissioner Allen.

Vote: Motion carried by unanimous vote (summary: Yes = 5).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Willard, Commissioner Draper.

29. Potential Action Regarding GSWA Litigation

No action was taken.

30. Consideration of Options regarding Renovation of County Annex Building – Carrizozo

Ms. Taylor discussed the process and costs associated with the remediation and renovation of the County Annex Building. Ms. Taylor stated remediation activities for the Annex Building were complete and paid. Ms. Taylor stated as renovation activity commenced additional costs were identified including the need for the chemical treatment of the water system, flotation of the ground level floor prior to tile installation; mechanical modifications to the heating and cooling unit; and additional repair and replacement of first floor light fixtures.

Ms. Taylor reminded of the prior authorization for renovation in the amount of \$270,000 and estimated the cost for these additional repairs as \$54,917.

Commissioner Willard suggested the County contact PNM to consider if grant funding might be available to assist with lighting upgrades.

Ms. Taylor requested approval of the presented expenses of \$54,917 with understanding she would inquire about any available grant from PNM for lighting.

Ms. Taylor also requested from FacilityBuild a design and estimated cost for restoration of restrooms to ADA standards in the Annex Building. Ms. Taylor stated the quote for the remodel and upgrade to ADA standards was \$62,997.

Commissioner Draper questioned the total estimated additional costs. Ms. Taylor clarified the total estimated cost for these changes as \$117,897 in addition to the \$270,000 previously approved for a total cost of \$387,897.

Commissioner Willard questioned the source of any approved additional funding. Ms. Taylor clarified the previously approved \$270,000 was budgeted as Capital Outlay and anticipated budgeting additional costs from the same fund or the building maintenance fund.

Motion: Approve additional appropriations for a total expenditure of \$387,897, **Action:** Approve, **Moved by** Commissioner Stewart, **Seconded by** Commissioner Draper.

Vote: Motion carried by unanimous vote (**summary:** Yes = 5).

Vote: Motion passed (Yes = 4, No = 1, Abstain = 0).

Yes: Chair Stone, Commissioner Stewart, Commissioner Allen, Commissioner Draper.

No: Commissioner Willard.

Signing of Official Documents

29. Next meetings:

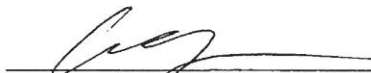
March 17, 2015 - Regular Commission Meeting

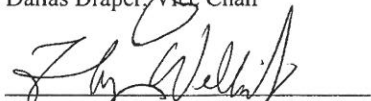
30. Adjourn

There being no further business to come before the Board of County Commissioners, Chair Stone adjourned the meeting at 3:35:02 PM.

County of Lincoln
Board of County Commissioners


Preston Stone, Chair

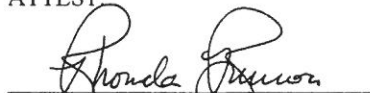

Dallas Draper, Vice Chair


F Lynn Willard, Member


Thomas Stewart, Member


Elaine Allen, Member

ATTEST:


Rhonda Burrows, County Clerk

March 17, 2015
Date Approved

